

Exhibit 2

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

VICKI L. GLASCO,)	
)	
Plaintiff,)	
)	
vs.)	No. CIV-13-130-C
)	
ADVANCED DENTAL IMPLANT & DENTURE)	
CENTER, LLC, d/b/a MY DENTIST;)	
ADVANCED DENTAL IMPLANT AND)	
DENTURE, INC., and MY DENTIST)	
HOLDINGS, LLC,)	
)	
Defendants.)	

DEPOSITION OF VICKI LYNN GLASCO
TAKEN ON BEHALF OF THE DEFENDANTS
IN OKLAHOMA CITY, OKLAHOMA
ON NOVEMBER 19, 2013

REPORTED BY: KAREN B. JOHNSON, CSR

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1 A No.

2 Q What did you counter with?

3 A Seventy-five.

4 Q Okay. Was that accepted?

5 A Yes.

6 Q So you started as director of HR at My
7 Dentist at 75,000?

8 A HR manager, yes.

9 Q Okay. Do you recall the day that you
10 started?

11 A I believe it was the 26th or 7th of
12 September.

13 Q How long after you accepted the position
14 was it that you started?

15 A Sorry, I started September 26th or 7th, I
16 gave a month notice, so it would have been the end
17 of August when I accepted.

18 Q You gave notice to your employer; correct?

19 A Yes.

20 Q Now, prior to the time that you started
21 your employment, was Kevin telling you that a
22 priority was recruitment?

23 A One of many.

24 Q Priority was retention of staff?

25 A One of many. We met, we had a -- we met

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1 several times during that month that I had gave
2 notice and it was always over benefits, not
3 staffing, nor retention.

4 Q What do you mean by "over benefits"?

5 A Where we were going with benefits, that
6 was one of his first priorities to me, and that's
7 why we had several meetings to talk about benefits.

8 Q Tell me what was discussed.

9 A That we wanted to try, one, changing the
10 provider, so we scheduled a conference call with a
11 new provider, he was asking me to kind of tap into
12 some of my previous carriers that -- that I had
13 used, so I brought him some information on the
14 carriers that I had used and we just compared. And,
15 again, one of those visits was a conference call
16 with one of those carriers. Just seeing, again,
17 different offers, you know, so we could try to find
18 richer benefits.

19 Q And this was before you formally started
20 on the 26th of September?

21 A Yes.

22 Q So prior to the 26th of September, you
23 were having communications with Kevin about issues
24 that you needed to tackle on -- at the time that you
25 started your employment?

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1 Q Do you recall having discussions with
2 Kevin around the first part of September about these
3 items?

4 A I recall receiving the e-mail, yes.

5 Q One of the things that he wanted you to do
6 was do an employee handbook review; is that correct?

7 A Yes.

8 Q And prior to your starting on September
9 26, 2011, were you provided the employee handbook?

10 A Yes.

11 Q Did you start reviewing that employee
12 handbook?

13 A Yes.

14 Q Let me show you -- actually, I think
15 it's -- it's there in your stack there, if you'll
16 turn to the top of that stack.

17 A The handbook?

18 Q Correct. I believe right there at the top
19 is the employee handbook.

20 A Yes.

21 Q What's the Bates number on the first page
22 there?

23 A 002.

24 Q Okay. So if we look at the employee
25 handbook, the employee handbook has a policy at Page

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1 2 for a moment. Exhibit Number 1 is your responses
2 to interrogatories; correct?

3 A Yes.

4 Q So let's turn to Page 14.

5 A Fourteen?

6 Q Correct. And we'll use this as a guide,
7 but let's just walk through this. So tell me the
8 first thing that happened that you can recall that
9 you thought was inappropriate at My Dentist.

10 A First thing that happened was after
11 orientation on my first day, I was called into the
12 office with Kevin and Dr. Steffen, I was asked not
13 to continue the orientation that afternoon, but meet
14 with them. In that meeting, Dr. Steffen talked
15 about staffing and one of his comments were, how
16 would you feel if I told you I need to replace ten
17 managers, and I remember saying, I would ask you
18 what type of training had they had. He said good
19 question. And then as an example, he said, I don't
20 want too many blacks or Mexicans at the Casady
21 location. And Kevin agreed, and he said,
22 Dr. Steffen said, for instance, you wouldn't hire
23 black -- a black person at -- in Beverly Hills and
24 you wouldn't hire a white person in Compton. And I
25 said, why wouldn't I? So that was my first right

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1 off the bat concern.

2 And he -- and Dr. Steffen went on to say
3 that that was -- two years later, if I remember his
4 exact terms were it was -- it was like they're --
5 example, they're for the higher clientele in that
6 area of town, so they wanted it to be more of the
7 model location.

8 Q When Dr. Steffen made this comment, I
9 mean, you told me that you said, why wouldn't I, I
10 would hire the best qualified, what else did you
11 say?

12 A I -- at that point, again, I just listened
13 to Dr. Steffen, I just was kind of -- I looked at
14 him with I'm sure a blank look and I said, why would
15 I not hire them and, again, we went back then to the
16 managers and I said, I would not terminate a manager
17 unless I made sure that they had had qualified
18 training and had we counseled anyone. The handbook
19 said that we did progressive discipline, so did we
20 do that.

21 Q Now, in this first meeting, did you tell
22 Dr. Steffen this -- this point about the handbook
23 has progressive discipline?

24 A Yes.

25 Q Did you use those words?

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1 people that worked at the Casady location; correct?

2 A I don't know. I do not recall -- on my
3 visits at the Casady location, I do not recall
4 seeing anyone, but I cannot confirm that.

5 Q There were black people that worked in the
6 administrative offices; correct?

7 A Billing office, yes.

8 Q Okay. Other -- other departments;
9 correct?

10 A Yes.

11 Q Not just billing; correct?

12 A Yes. I forgot about Susan and Patricia,
13 so, yes.

14 Q Okay. There was Susan Porter; right?

15 A Uh-huh.

16 Q Yes?

17 MS. TIMBERLAKE: You need to say yes.

18 THE WITNESS: Yes.

19 Q (By Mr. Wood) Patricia Coleman; correct?

20 A Yes.

21 Q Then there was some African Americans
22 working in the billing department; correct?

23 A Yes.

24 Q Then if we look at Page 14, which I think
25 is in front of you, you say that, "On plaintiff's

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1 second day of employment, Kevin Offel was showing
2 the plaintiff the staffing analysis report, which
3 was used to track the current employees at each My
4 Dentist clinic," do you see that?

5 A Yes.

6 Q Then you're relating there that he is
7 telling you to put upgrade next to various
8 employees' names and that he's saying that he wanted
9 the employee gone and HR should start recruiting a
10 replacement, do you see that?

11 A Yes.

12 Q Now, was he pointing to one particular
13 employee or more than one employee?

14 A More than one.

15 Q Do you recall who it was?

16 A No, it was my first day or second day.

17 Q Do you recall the race of the employee
18 that he was pointing to?

19 A No, it did not distinguish race.

20 Q Do you recall the gender of the employees'
21 names that he was pointing to?

22 A Just obvious by their name, whether it was
23 female.

24 Q Well, do you recall?

25 A Yes.

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1 say, what about progressive counseling, what's the
2 process; correct?

3 A Well, as he's quickly running through page
4 by page by page, so let's -- let's say there's 15
5 names, he might randomly in that list say, okay,
6 upgrade by Jennifer, upgrade by Debbie, upgrade by
7 Bobby, and as we went through several of these, I'm
8 typing it in, as we went through several pages, I
9 finally said, what do you mean by upgrade, and he
10 said, I want them replaced. And that's when I said,
11 so have these people been counseled, because we talk
12 about progressive counseling, because I'm a big -- I
13 personally am a big component of that, and he said,
14 no, I need them replaced.

15 And I even said, gosh, I hope I'm always
16 notified before you put a upgrade by my name, I do
17 remember saying that.

18 Q Under the employee handbook, do you have
19 to use progressive discipline?

20 A It says that we do.

21 Q Okay. It also says that you can terminate
22 without going through discipline -- progressive
23 discipline, doesn't it?

24 A Well, I mean, I know it's a law that they
25 can terminate without.

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1 Q Okay. And you know that in this employee
2 handbook, it gives the employer the right to
3 terminate without going through progressive
4 discipline; correct?

5 A Yes.

6 Q It's not mandatory under this employee
7 handbook, is it?

8 A No.

9 Q Is that right?

10 A Yes.

11 Q What else did you and Kevin discuss when
12 he's standing there with you at the computer screen?

13 A On -- he wanted me, I don't recall if it
14 was that day or the next day, he came in, I want to
15 say it was even the next day maybe, because he came
16 in with a different version of that report, he used
17 a for physicians only or dentists only, and asked me
18 to create basically the same staffing analysis that
19 we just looked at in a different format like he used
20 for dentists, and that was the next time we had
21 talked.

22 Q I'm a little lost. He -- he comes in with
23 a -- with another report that he's printed out on
24 paper; is that right?

25 A Correct.

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1 A He kind of just thought it was
2 unnecessary, I mean, just shook his head, kind of
3 was -- oh, his comment was, you HR people. He would
4 say that to me often. He goes, oh, you HR people.
5 And I asked him if I could create that and put it on
6 the intranet so it was available for managers, so he
7 said he would look at it. And that was on his way,
8 it was late in the evening.

9 Q What else did you and Dr. Steffen talk
10 about on that particular day?

11 A I don't recall anything else that night.
12 We had many late night discussions.

13 Q Moving on to the next event that you
14 thought was inappropriate, what was the next event,
15 in looking at your discovery response here, you
16 start talking about Marian Columbus told you that
17 she used the -- the blink test?

18 A Uh-huh.

19 Q When did that occur?

20 A It was probably several weeks into
21 interviewing, I was trying to get more and more
22 involved in the interviewing process. This one
23 particular lady came in that I interviewed and what
24 even prompted it was after the interview, I stepped
25 out and I told Marian I thought she was a good

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1 candidate, because at this point I was supposed to
2 go through -- Marian had like the final say-so on
3 who was hired, and so I stepped out, I was -- she
4 was in the hallway there, and I was right in my
5 doorway, I said, hey, I -- I think this lady would
6 be really good for that position, and she said, you
7 take way too long in an interview, I said, why do
8 you say that, she said, because you should know we
9 have a blink test, I said, what's a blink test, she
10 said, you should know if they fit the part. And I
11 said, you know, if I had done that, I would have
12 never recommended this woman, because it was after
13 spending time with this woman did I find her skills,
14 knowledge and abilities to be perfect for what we
15 need.

16 Q I think you're saying in your discovery
17 responses that this was a candidate for a front desk
18 position in the Oklahoma City area, do you see that?

19 A Yes, front desk, yes.

20 Q I want to understand the process. You
21 were doing a initial screening interview of a
22 candidate for a position in the Oklahoma City area;
23 is that correct?

24 A Regarding this situation?

25 Q Correct.

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1 A Yes.

2 Q Okay. Then if you felt like this person
3 needed to be interviewed further, who would -- who
4 would do the next interview?

5 A Marian.

6 Q Okay. Would the regional manager at the
7 Oklahoma City area do an interview of this person?

8 A Possible.

9 Q At that time --

10 A If Marian was not available.

11 Q In fall of 2011, the regional manager was
12 Susan Porter?

13 A Yes, for Oklahoma City.

14 Q Right.

15 A Yes.

16 Q Okay. Now, this particular person that
17 you interviewed, was this person hired?

18 A No.

19 Q Why not?

20 A Marian didn't like her.

21 Q Did Marian interview this person?

22 A No, she said she did not look the part.

23 Q That's the phrase she used, "did not look
24 the part"?

25 A Yes. And she was a middle-age lady.

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1 Q She was?

2 A Yes.

3 Q Okay. Did Marian say anything else about
4 this person's appearance?

5 A No, just walked away.

6 Q Marian did not make a comment on her age;
7 correct?

8 A Correct.

9 Q Marian did not make a comment on her race;
10 correct?

11 A Correct.

12 Q This was a Caucasian?

13 A Yes.

14 Q Marian did not say on this particular day
15 that they should be cute; correct?

16 A Said she didn't fit the part.

17 Q Okay.

18 A However, the reason Susan didn't always
19 interview, per Kevin, is that if Marian wasn't
20 available, then let Susan, but if Marian's
21 available, let her because Susan and Patricia hire
22 too many of their own kind.

23 Q Okay. We'll get to that.

24 A Okay.

25 Q On this particular day, though, when

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1 Marian said to you, you took too long in the
2 interview, she doesn't fit the part, what did you
3 say in response?

4 A Which I just said, I said, Marian, I said,
5 if I had only spent the first five minutes, I
6 wouldn't have recommended her. I got to spend time
7 and understand her skills and knowledge and
8 abilities and she is qualified for this job.

9 Q What else did you say?

10 A That she should spend time and interview
11 her and Marian just walked on down the hallway.

12 Q Okay. Was that the conclusion of that
13 discussion?

14 A Yes, yes, Marian walked off.

15 Q Now, I want to be sure we're going through
16 the sequence, because I think we -- maybe we stepped
17 ahead in time, but prior to that point in time, was
18 there anything else that had occurred that you
19 thought was inappropriate?

20 A Red flags would be -- and I would agree, I
21 can't remember if this was truly before or after,
22 but my other red flag was the employment
23 application. I had updated the employment
24 application and it was approved by Dr. Steffen, and
25 so I had asked Jennifer, who was the staffing

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1 coordinator, to make sure -- clearly Jennifer did
2 the bulk of the initial interviews, so I asked her
3 to make sure, because it was a hodgepodge of getting
4 applications and resume's when I started.

5 Q Let -- may I clarify one point?

6 A Yes.

7 Q Jennifer -- she was interviewing staff?

8 A Yes.

9 Q But was she interviewing dentists?

10 A No.

11 Q Who was interviewing dentists?

12 A Marian or Kevin.

13 Q Okay. Go ahead.

14 A And so I created the application, I gave
15 it to Dr. -- even Kevin, Dr. Steffen and Kevin, they
16 all approved it, so, you know, the process then that
17 I gave the ladies in the office was to make sure
18 that employees or applicants complete that prior to
19 their interview. Several reasons, I wanted, you
20 know, a full description of their duties, one that
21 they have verified, authorized me to do background
22 checks for them and references. Okay.

23 So we're clicking along, I think
24 everything's fine, I put that in place, probably in
25 place -- I used the application all the time, again,

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1 it gave much more detail than I needed than just a
2 resume'. And then all of a sudden I stop finding
3 applications and Jennifer said that Marian told her
4 to stop having them filled out.

5 So I was like, why -- why, first of all,
6 was Marian telling you that, and what was her
7 reason, and she said, her reasoning was that it
8 slowed down the process, the interviewing process,
9 that if the applicant fit the part and we were
10 interested, we would have them fill out the
11 application after the fact, which I found to be
12 inconsistent, we were not getting the applications
13 on all these people that they were interested in
14 after we interviewed them. It was like they would
15 send them to another location to interview and I
16 never got the application.

17 Q Okay. Let me stop you there. I want to
18 understand the process. So for -- for prior to the
19 time that you started using this revised employment
20 application, people that were interested in a job at
21 My Dentist would -- would come to My Dentist how?

22 A Walk through the door. I mean, we would
23 call and schedule the interview and they would come
24 to the corporate location.

25 Q Okay. How would they contact My Dentist

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1 A I -- I felt like that was a red flag of
2 why we would not want to ensure we were obtaining
3 all that information prior.

4 Q Are you contending that it's somehow
5 illegal?

6 A Not illegal.

7 Q You don't have to have an employment
8 application, do you?

9 A No.

10 Q Is that right?

11 A Yes. But I also have -- should not be
12 calling and verifying someone's references if they
13 haven't authorized me to do so, to call that past
14 employer or even the current employer.

15 Q So you have this conversation with
16 Jennifer Roberts, and so did you go to Marian and
17 talk to her about this issue?

18 A Marian wasn't in the office that day,
19 but -- and I honestly, because she traveled, I -- I
20 could not tell you whether it was the next day or
21 several days, but when she did come back into the
22 office, I did talk to her about it. I even asked if
23 we could have an off-site meeting because I felt
24 like there was some -- some issues, you know,
25 communication issues that we needed to clarify, why

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1 she wouldn't have talked to me first as the
2 department manager versus just walking in and giving
3 Jennifer direction to do so.

4 Q And what was her response?

5 A Was that she did not have time, she was
6 busy, we never met.

7 Q And this occurred when?

8 A Probably end of October, middle October.

9 Q I'm just noticing that on Page 16, about
10 two-thirds down, you have a reference that this
11 might have occurred late November or early December
12 2011.

13 A Okay.

14 Q Is that correct?

15 A Yes.

16 Q So sitting here today, do you think that
17 that conversation about the job application issue
18 occurred in late November or early December 2011?

19 A I -- yes. I'm speculating on exact times,
20 I just know the incident that happened.

21 Q Okay. Let's go through the -- the
22 sequence here that you have listed in your discovery
23 responses. So going to the top of Page 16, you have
24 a reference that, "Offel and Columbus would write
25 comments, many derogatory, eg, stupid or too much

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1 plastic surgery on the candidate's
2 resume'/application," do you see that?

3 A Yes.

4 Q When did you see those comments?

5 A On -- you're asking me dates, timelines?

6 Q Correct.

7 A I remember seeing more of those during the
8 Texas, Lewisville interviews, so that would have
9 been November, first part of November, mid November.

10 Q Had you seen derogatory comments on
11 applications prior to that time?

12 A No, because we were not coordinating our
13 work.

14 Q How many applicants, excuse me, how many
15 applications or resume's did you see that had
16 derogatory comments written on them?

17 A I would probably say ten.

18 Q Explain the process to me, so it sounds
19 like somebody has -- has interviewed these people
20 before you see their paperwork?

21 A Yes.

22 Q Okay. And then you would see the
23 paperwork?

24 A Yes.

25 Q For what -- for what reason?

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1 A Again, when I answer this, like I said, it
2 was a moving target, so how I answer it one week
3 could have changed the next week, okay. But I could
4 have either seen that after Jennifer interviewed, if
5 Marian wasn't available, again, I was trying to draw
6 myself in, book me, schedule me for more of these
7 interviews, I want to get more involved, instead of
8 Marian doing those, I'm completely capable of doing
9 these interviewing -- the interviewing process. So
10 I may see them after Jennifer interviewed or after
11 Marian interviewed, sometimes even after Kevin would
12 have interviewed, but I always got them if they were
13 hired.

14 Q Of these ten or so resume's or
15 applications that you saw with derogatory comments
16 on them, how many of those people were hired?

17 A One, and that one only came about two
18 months later after Dr. Steffen told Marian to hire
19 her, the one that said plastic surgery, it was a
20 Lewisville manager. We initially had one manager
21 that filed, it was in her file, she filed all these
22 complaints against Marian, because I filed it in her
23 file, her name was Kimberly Rivers, and so they
24 let -- she walked -- you know, I don't remember, I
25 don't remember if she walked out or if they went

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1 don't speculate.

2 THE WITNESS: Well, it seemed like it was
3 even like a B for black, it was that stupid to be
4 coding if you were going to code something, but --

5 Q (By Mr. Wood) Well, did -- did Jennifer
6 tell you that B meant black?

7 A She told me what the codes meant, I do not
8 recall exactly what they were, I would be
9 speculating. I just remember it being just too
10 obvious, but I don't recall.

11 Q So she told you something about there's
12 like an A, a B and a C?

13 A I -- I recall -- I -- I -- from my
14 recollection, it was a -- an alphabetical system.

15 Q Okay. So A would be a top candidate?

16 A I think.

17 Q Okay. B would be not as good a candidate?

18 A I think.

19 Q C would be a lower candidate?

20 A From my under -- from my recollection. I
21 just said, stop, stop.

22 Q And you're seeing these regarding
23 Lewisville applications?

24 A That's when I was pulling the files, all
25 the resume's out of the files to look for more

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1 A I believe so, eventually.

2 Q Tell me what you mean by that.

3 A Because -- well, I'm going to jump ahead,
4 you want me to jump ahead?

5 Q Go ahead.

6 A Okay. The reason I make that comment is
7 because initially when Patricia hired for
8 Lewisville, oblivious to me because I'm not involved
9 in that, she hired numerous African American
10 employees, again, they interviewed in Lewisville,
11 I'm in Oklahoma City, so it all started with the
12 interviewing of Lenora Tatum, I interviewed a phone
13 interview from ETS as a manager at that location.

14 Q Okay. We'll -- we'll get to that, sorry.

15 A But that's how it started.

16 Q Okay. All right. Now, when you saw these
17 derogatory comments on these resume's or
18 applications, did any of them refer to race?

19 A Not specific.

20 Q They didn't say black, Hispanic, Latino,
21 anything like that; correct?

22 A Correct.

23 Q The phrases that you can recall today are
24 stupid, too much plastic surgery, no go, doesn't
25 look the part, and fat; right?

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1 A Correct.

2 Q Anything else that you can recall?

3 A No.

4 Q Any other derogatory comments that you saw
5 on a resume' or application?

6 A Not that I recall to quote.

7 Q So you say that you went to Jennifer and
8 Marian and said don't do that?

9 A Stop.

10 Q Okay. And Jennifer's response was what?

11 A That she would stop.

12 Q And what was Marian's response?

13 A She just kind of grinned and laughed at
14 me.

15 Q After you --

16 A And they were in two separate rooms.

17 Q I'm sorry?

18 A Because Marian was not there that day, she
19 was traveling, so Jennifer was fine and -- with
20 stopping that, and then I talked to Marian those few
21 days later, that was when I said it was a day or two
22 later.

23 Q Let me ask you this, now, if a person
24 conducting interviews wants to rate candidates by
25 top candidate, second tier candidate, third tier

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1 candidate, nothing wrong with that; correct?

2 A Correct.

3 Q Okay. And that's -- that's commonly done,
4 isn't it?

5 A Within individuals, yes, of course.

6 Q After you told Marian Columbus and
7 Jennifer Roberts to not do that anymore, thereafter,
8 did you continue to see derogatory comments written
9 on resume's or applications?

10 A No, but I also did not look. I don't
11 recall, I was really ramping up for managers, I
12 trusted that they would stop.

13 Q Okay. So as far as you know, the process
14 of writing derogatory comments on applications or
15 resume's stopped?

16 A Correct; as far as I know.

17 Q Then going to the bottom of Page 16, you
18 say that you went to Marian's office and asked if
19 they could go to lunch and discuss some issues, do
20 you see that?

21 A Yes.

22 Q And this is what you were telling me about
23 previously?

24 A Yes.

25 Q And it looks like, though, that you did

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1 saying that she -- if she wanted to keep the -- the
2 cute, young ones for the office, and if they didn't
3 fit that part, and they were qualified, they could
4 go to the billing office.

5 Q Now, this discovery response says, "If
6 they were not cute enough or they were overweight,"
7 do you see that?

8 A Well, that was definitely one issue.

9 Q Okay. I see no reference to if they were
10 young.

11 A That was understood.

12 Q Was it stated?

13 A It has been.

14 Q Okay. When Marian was talking about
15 referring applicants for poster/collectors, did she
16 say, I'm referring the ones that aren't young over
17 to the billing department?

18 A She said fit the part.

19 Q Okay. Did she say if they're not cute
20 enough or if they're overweight, they don't fit the
21 part, are -- are those the words she used?

22 A She had talked about them being
23 overweight, yes, and not fitting the part.

24 Q Tell me the words that she used that you
25 can recall.

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1 A She said if they were overweight or didn't
2 fit the part. And I always understood fit the part
3 from previous comments she had made about wanting
4 the young, cute girls.

5 Q But she didn't say anything about race;
6 right?

7 A Right.

8 Q Anything about ethnicity; correct?

9 A Correct.

10 Q At the top of Page 18 you refer to that
11 you could hear Columbus laughing about it outside
12 her office in the hallway while there was another
13 candidate there to interview with Porter, but had
14 been deemed by Columbus to be too cute for billing,
15 do you see that?

16 A Yes.

17 Q Okay. Do you know who you're referring
18 to?

19 A The candidate, no, I wouldn't, I don't
20 remember the name of the candidate.

21 Q Do you know if that candidate was hired?

22 A The candidate was hired for the -- hang
23 on, because there was two candidates that day.
24 Tracy Porter had interviewed a lady, spent time with
25 her, was ready to go with her, claimant A, and then

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1 Tracy's frustration?

2 A Yes.

3 Q All right. And you're saying that Marian
4 responded to you that's what Steffen expects me to
5 do?

6 A Correct.

7 Q Okay. Have any other discussion with
8 Marian about this issue?

9 A No.

10 Q Did Marian say that she was making
11 decisions about where to send candidates on the
12 basis of their race?

13 A No.

14 Q Were all of these candidates female?

15 A Yes.

16 Q Were there male candidates coming in the
17 door?

18 A On occasion, rarely.

19 Q Okay.

20 A And most of them were out of state, most
21 of the males seemed like that I was coordinating
22 interviews with were like in Tulsa or in the
23 Arkansas.

24 Q But to be clear, the -- the pool of people
25 that we're talking about that were coming in the

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1 door and they are being divided up to billing versus
2 going to the clinics, we're talking about a pool of
3 people that are all female?

4 A The majority, yes, yes.

5 Q Okay. Great majority?

6 A Great majority.

7 Q Can you -- can you think of any males?

8 A For that particular position?

9 Q Correct.

10 A No.

11 Q Then in the next paragraph you say that
12 you asked Steffen about the EEO 1 reports, do you
13 see that?

14 A Yes.

15 Q Did you work on an EEO 1 report?

16 A Yes. For -- for My Dentist?

17 Q Correct.

18 A No.

19 Q You'd worked on one for prior employers?

20 A Correct. And I knew because of the
21 timeline I was hired that it was due, I think it's
22 October 13th was the deadline, so I was asking if
23 they needed me to get that out, if it had been done.

24 Q Anything else about the EEO 1 report,
25 other than what you've outlined here in your

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1 discovery responses?

2 A No.

3 Q Then moving on to the bottom of Page 18,
4 it looks like you were organizing personnel files
5 for terminated employees, do you see that?

6 A Yes.

7 Q You were having Lyndsay Hagedorn scan
8 them?

9 A I was requesting to have her come in and
10 scan them.

11 Q Was she scanning them?

12 A She scanned for maybe four hours and was
13 told to stop.

14 Q Was that a point of disagreement between
15 you and Dr. Steffen as to whether or not these files
16 should be scanned?

17 A We agreed to disagree.

18 Q You wanted them scanned and he didn't want
19 them scanned?

20 A Thought it was a waste of time and money.

21 Q Okay. Employee files don't have to be
22 scanned, do they?

23 A No.

24 Q It's not a legal requirement; correct?

25 A Correct.

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1 Q Now, you say there were missing and
2 incomplete I9 forms.

3 A Yes.

4 Q Who was responsible for completing I9
5 reports?

6 A It would depend on the location. If they
7 were out of town and state, the clinic manager
8 should have obtained that information prior to
9 coming to HR, if they were local, they would come to
10 an orientation at the admin and then I would obtain
11 those during orientation and all the appropriate
12 requirements.

13 Q So the incomplete I9 reports were reports
14 coming from other locations?

15 A All over, yes.

16 Q But for the local area, you felt like I9
17 reports were complete and -- and proper?

18 A Not when I got there.

19 Q Okay. But once you got there, were they
20 being filled out correctly?

21 A I was working on it. I would tell you if
22 they came to orientation and I was in the
23 orientation, I obtained everything that was
24 required.

25 Q Then on Page 19 you were talking about the

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1 interview with Lenora Tatum, do you see that?

2 A Yes, sir.

3 Q Did you participate in the Skype interview
4 that Mr. Offel had with Lenora Tatum?

5 A No, I did not.

6 Q Do you have any personal knowledge of how
7 Lenora Tatum did in the interview?

8 A With Mr. Offel?

9 Q Correct.

10 A No.

11 Q Do you have any personal knowledge of how
12 she appeared?

13 A No.

14 Q Then at the top of Page 20, you say that
15 you asked Kevin about the interview with Ms. Tatum,
16 do you see that?

17 A Yes.

18 Q And you say that he said, "She has those
19 really long gross fingernails and we have enough
20 black people in Lewisville," do you see that?

21 A Yes.

22 Q Did he say anything else?

23 A No, he walked off, it was done in the
24 hallway.

25 Q Okay. Do you know when this interview

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1 occurred?

2 A There's -- there's reference to it in the
3 e-mails, it was late November or even maybe
4 December.

5 Q By the time that the interview with Lenora
6 Tatum occurred, do you know the racial makeup of the
7 Lewisville office?

8 A I don't, other than the statement
9 Dr. Steffen made to me right after Kevin's response
10 to me.

11 Q And his statement was what?

12 A Was that when I went to Dr. Steffen about
13 his comment on Ms. Tatum, he shut me down and said,
14 Vicki, you've already been given an answer, matter
15 of fact, there's too many black people there already
16 and they're all ugly, so based on that comment, I
17 would guess he didn't like the ratio, and Jennifer
18 was with me, I had went to Jennifer's office and
19 said, would you come with me, I need to talk to
20 Dr. Steffen.

21 Patricia -- again, I had -- I had did a
22 phone interview with Ms. Tatum, I had personally
23 checked all her references, they were the most
24 outstanding I had ever received from the CFO to the
25 accounting manager to other dentists, you know, and

1 Kevin's e-mails had talked about, you know, this is
2 urgent, this is urgent that we get this filled, I'm
3 like she's -- she's great, she interviews with
4 Patricia, Patricia likes her, she's ready to go, and
5 then so the last step is Kevin's Skype, so then when
6 he responded to me, I went and got Jennifer, I went
7 to Dr. Steffen's office, and that's when he said,
8 you know, that I'd already been given an answer.

9 Q Now, had you interviewed Ms. Tatum before?

10 A On the phone.

11 Q Was she African American?

12 A I didn't know that, I could have assumed
13 that maybe by her voice, but I had not met her
14 personally.

15 Q Do you know if there were anyone that
16 applied for employment at the Lewisville office that
17 was excluded from employment because of their race?

18 A I do not at this point in time, I was
19 working on managers, not the staff.

20 Q Do you know of any managers that were
21 excluded from employment because of their race?

22 A No.

23 Q Now, the -- on Page 20, at the end of that
24 first full paragraph, you say that, "One of the male
25 trainers was asked to assist," do you see that?

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1 response?

2 A I thought it was.

3 Q Can -- can you point that out to me?

4 A It's in a lot of my other records. That's
5 why I was kind of jumping around, because I was like
6 this -- I'm not sure if this was all flowing
7 together.

8 Q We'll be going through some other
9 discovery responses, if --

10 A Okay.

11 Q If you see it, if you'll point that out to
12 me.

13 A Okay.

14 Q Okay. Then moving on, on Page 20 you
15 start talking about that there's an event toward the
16 end of 2011, that you found out that there was a
17 major job fair going on in early 2012 in Texas to
18 help recruit dentists, do you see that?

19 A Yes.

20 Q Now, you, yourself, had no responsibility
21 for recruiting dentists; is that correct?

22 A Correct.

23 Q That was Marian's job; right?

24 A Correct.

25 Q Not Vicki Glasco's job; correct?

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1 A Correct.

2 Q Had you been told before this that My
3 Dentist was not a fan of job fairs?

4 A Oh, I vaguely remember talking about some
5 job fairs like up in Tulsa and stuff. I would say,
6 yes, I don't think they were a huge fan of them.

7 Q Had you been told prior to this point in
8 time by Kevin Offel that he thought job fairs were a
9 waste of time?

10 A I think so. But this was an annual job
11 fair that they went to every year.

12 Q Do you know if they went to this job fair?

13 A They did.

14 Q By that I mean, did My Dentist send
15 representatives to this job fair?

16 A They did, yes. And they sent Jennifer
17 with Marian.

18 Q Now, you say that you went to Marian's
19 office and asked about the job fair and who would be
20 involved, do you see that?

21 A Yes.

22 Q Okay. And asked if you would be attending
23 as HR manager, do you see that?

24 A Yes.

25 Q Now, prior to this time, you had not been

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1 A At times.

2 Q Now, you say at the top of the Page 21
3 that you believe this was part of an ongoing attempt
4 to push you out of your role as HR manager, do you
5 see that?

6 A Yes.

7 Q Why did -- why did you think that?

8 A Again, as the HR manager, I -- she had
9 already planned to take Jennifer, yet Jennifer was
10 my employee and I knew nothing about this. I had
11 e-mails from marketing requesting immediate needs
12 for the job fair, so she asked me why I didn't give
13 them more notice, I mean, that's not in here, but I
14 think her -- anyway, so it was the marketing
15 director, and I said, I have no idea, I just learned
16 about this, so clearly, I would have given you a
17 heads up, if I had known.

18 Again, I felt like it was -- if you're
19 taking an employee in my department, you would have
20 came and talked to me first, that this is what I
21 need, this is what we're planning, coordinate it, so
22 I -- if I'm not going, then I -- I know to even be
23 covering for Jennifer's position. There was just no
24 communication at all. Again, I only found it by
25 seeing the copy of a job fair on the copy machine.

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1 Q So if I understand what happened, you did
2 complete the Form 2; correct?

3 A Yes.

4 Q You did complete an incident report?

5 A Yes.

6 Q Now, did you complete the Form 2 or did
7 somebody else complete the Form 2?

8 A I did.

9 Q Okay. Did you complete the incident
10 report?

11 A Yes.

12 Q What role did Ashley Watts have in the
13 preparation of the Form 2?

14 A Nothing at that time, she -- on
15 November -- October 7th, she was removed from my
16 supervision and was not to do anything with workers'
17 comp. That was at a meeting.

18 Q Do you know if Diane Boykins was provided
19 workers' compensation benefits?

20 A I do not know what happened.

21 Q Were you reprimanded for filling out a
22 Form 2?

23 A I was told not to do anything for her.
24 I -- Kevin called me into his office with her
25 supervisor, with Diane's supervisor, and told me not

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1 to do a f'ing thing, that she was just milking it,
2 but I did go back and complete everything I knew I
3 was -- I should be doing and was responsible to do.

4 Q Okay. And so, thereafter, did Kevin come
5 to you and say I'm going to punish you for doing so?

6 A I don't know that he even knew I did it.

7 Q So you were not punished for doing so?

8 A No.

9 Q By anyone; correct?

10 A I didn't hear you.

11 Q By anyone; correct?

12 A Correct.

13 Q Then I think you were telling me at some
14 point in time that Dr. Steffen made the comment that
15 Patricia Coleman and Susan Porter were hiring too
16 many blacks; is that correct?

17 A Yes.

18 Q Do you recall when that conversation
19 occurred?

20 A It was probably in October when we were
21 gearing up on staffing, because that's when he
22 wanted Marian to have the last interview, and if she
23 wasn't available, then he would let them have the
24 last interview.

25 Q So this statement was made in a meeting

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1 with Dr. Steffen?

2 A Yes, he was in my room talking to me.

3 Q Okay. So my understanding is that you're
4 contending that Dr. Steffen said that Patricia
5 Coleman and Susan Porter are hiring too many blacks
6 and did not make good hiring decisions; is that
7 correct?

8 A That is correct.

9 Q And in response to his statement, what did
10 you say?

11 A I said, well, then why doesn't Todd
12 McKnight, who is our male regional manager, and we
13 had another very young, Adrien, regional manager,
14 not have to have a second interview. And he said,
15 because I just answered you, Vicki, and that was it.

16 Q Did you have any other conversations with
17 Dr. Steffen about that particular issue?

18 A No. He told me -- it -- and that was when
19 he had told me that Marian would start being over me
20 regarding staffing. So it was -- I wished I knew
21 the date, but it was mid to late October probably.

22 Q Did he explain to you why he wanted Marian
23 to supervise issues related to staffing?

24 A No, he did not.

25 Q You state that in your complaint, that

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1 "Plaintiff had been advised by others in the company
2 that she had better watch Columbus because Columbus
3 was protected and could get people fired," do you
4 recall that?

5 A Yes.

6 Q Were you told that?

7 A Yes.

8 Q Who told you that?

9 A Ashley told me that and Jennifer told me
10 that, they told me that on multiple occasions.

11 Q Then you say in your complaint, this is
12 Paragraph 26, "Plaintiff ignored these warnings and
13 disregarded directives from Columbus that were
14 illegal." What directives did Columbus give you
15 that you thought were illegal?

16 A Like hiring based on what somebody looked
17 like. Her telling me to use the blink test and
18 basically kind of getting on to me that day that I
19 took too long in an interview. Making comments,
20 again, just based on what the person looked like.

21 Q Marian never told you to hire someone
22 based upon their race, did she?

23 A No.

24 Q Is that correct?

25 A Correct. Just not too hire, again, too

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1 many of one ethnicity at the Casady location.

2 Q Who told you that?

3 A That was also said by Marian.

4 Q Then you say, Paragraph 37 of your
5 complaint that, "A few days before plaintiff was
6 wrongfully terminated, she was asked to inform the
7 dental hygienists by memo that they must clock out
8 if leaving before completing their eight hours of
9 work on any given day." Who asked you to prepare
10 that memo?

11 A Dr. Steffen and Kevin.

12 Q Did they explain to you what their concern
13 was?

14 A That they needed to verify their hours.

15 Q In Paragraph 39 of your complaint you say
16 that, "During this process, plaintiff had been
17 informed that the hygienists were being required to
18 clock out if they left early, but were not allowed
19 to report more than eight hours worked even when
20 they worked more than eight hours in a day," do you
21 recall that --

22 A Yes.

23 Q -- allegation?

24 A Yes.

25 Q Who told you that?

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1 A The hygiene director, Jenny Head.

2 Q What did she tell you?

3 A She told me that I -- she told me that it
4 wasn't necessarily clocking in and out, they -- when
5 the hygienists came in, they were to log eight
6 hours, and if they worked over that, they were not
7 paid, but if they worked under that, they had to
8 change their hours to identify what time they left.
9 They weren't paid if they came in early in the
10 morning for meetings, they weren't paid during
11 lunchtime meetings and they weren't paid if they
12 worked over eight. So I said, okay, I need to
13 follow up with Dr. Steffen and Kevin.

14 Q Let's go to Exhibit 2, which is our stack
15 of e-mails. Let's turn to Bates 311 to 315. So it
16 looks like that -- and I'm looking at Bates 311,
17 that on or about December 28, 2011, you were told
18 that prepare a draft regarding dental hygienists?

19 A Yes.

20 Q Okay. And looking at the bottom of Bates
21 311, you see a e-mail from Pat Steffen to yourself
22 saying, "Please do a policy letter to get hygienists
23 to start clocking in and out to come from you and
24 Kevin. Steffen," do you see that?

25 A Yes.

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1 Q Okay. Did you have any verbal
2 communication with Dr. Steffen about this issue?

3 A No, I created the draft.

4 Q Did Kevin or Dr. Steffen explain to you
5 what -- what the issue that they wanted addressed?

6 A No.

7 Q Now, if we look at Bates 315, is this a
8 copy of the memo that you prepared on this issue?

9 A Correct.

10 Q Then if we look at 314, there's an e-mail
11 from yourself to Pat Steffen and you copy Kevin
12 Offel and Jenae Pitts, and Jenae is J-E-N-A-E, do
13 you see that?

14 A Yes.

15 Q You say, "I have added the additional text
16 per Kevin's request," do you recall what the
17 additional language that he wanted?

18 A Uh-huh, he told me to add the note section
19 down there and the italicized, he had asked me to
20 add that. And then it was after this that I talked
21 to Jenny. So that's when I sent the e-mail, which
22 is 314.

23 Q After you sent the e-mail, which is at
24 314, did you have any conversations with Dr. Steffen
25 or Kevin Offel about this issue?

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1 A Zero. No response.

2 Q Did you have any conversations with Jenny
3 Head after you sent this e-mail?

4 A 314?

5 Q Correct.

6 A No.

7 Q Did you have any discussions with anybody
8 about concerns that wages weren't being paid
9 correctly?

10 A No, because Friday we were off for the
11 holiday, and then I was fired as soon as I came
12 back, so there was really no timeline.

13 Q What day was it that Dr. Steffen
14 terminated you?

15 A Was it the 3rd or 4th?

16 Q So you come to work and at some point in
17 time you're asked to come in and talk to
18 Dr. Steffen?

19 A Correct.

20 Q And was that first thing in the morning or
21 how did that work?

22 A It was actually at lunchtime.

23 Q Okay. Tell me what happened.

24 A He called me into his office and -- and
25 just said, have a seat, and he said, Vicki, I don't

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1 think it's working, and his mannerisms, he used his
2 hands like this back and forth and said, it's just
3 the dynamics, and I said, what do you mean by
4 dynamics, he said, between Marian, Patrick and
5 Kevin.

6 Q What did you say?

7 A I said that -- I actually immediately
8 said, well, I feel like I am the only one looking
9 out for you, for instance, has Patrick talked to you
10 about the \$100,000 plus that I've identified and he
11 was supposed to tell you for months, and he said no.
12 And then -- you want me to go into the whole
13 conversation?

14 Q Please.

15 A Okay. So I continued to tell him all of
16 my findings in the benefits, and he said, no, he had
17 not been informed of that. And he said, you know,
18 Vicki, I may really be making a big mistake, and I
19 said, I think you are, I said, I'm not sure why you
20 even hired me as an HR manager here because you do
21 not let me do my job. And he said that the board of
22 directors, that they had investors now, because he
23 agreed, he was like, you know, I'm not going to hire
24 someone else, and he said that the board of
25 directors and the investors had requested that they

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1 include an HR manager, and that he was not going to
2 hire another one. And that he would give me a good
3 reference and I told him, you know, that I thought a
4 lot of him and hated that it happened that way, I
5 was upset and crying and I -- Marian met me in my
6 office and I took my things.

7 Q You're saying that you had identified
8 \$100,000, what are you talking about?

9 A In excess. One of the first things when
10 Lyndsay came on board is because we were continually
11 getting phone calls where people didn't have their
12 benefits, so we started doing -- again, before open
13 enrollment, we started doing an audit and found as
14 we -- as it continued, there was over \$100,000 in
15 premiums that we were still paying on employees that
16 had been terminated from the company.

17 Q And did you explain that to Dr. Steffen
18 when you met with him on the 2nd or the 3rd?

19 A Yes.

20 Q Whatever day it was that you were
21 terminated.

22 A The day I was terminated, yes.

23 Q Okay. What else did you and Dr. Steffen
24 talk about?

25 A That's about it, short and sweet.

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1 (Defendant's Exhibit Number 6 marked for
2 identification and made part of the
3 record)

4 Q (By Mr. Wood) Okay. Let me show you what
5 I marked as Exhibit 6. Exhibit 6 is a letter of
6 reference that Dr. Steffen provided to you; correct?

7 A Correct.

8 Q And you did receive this; correct?

9 A I did.

10 Q Do you know if Dr. Steffen badmouthed you
11 to anyone after you left your employment?

12 A No.

13 Q Do you know if anyone with My Dentist
14 badmouthed you after you left your employment?

15 A I am not aware of that, no.

16 Q Let's go through some e-mails. Again, if
17 you'll pull our stack here, which is Exhibit 2.
18 Let's go to Bates Number 48. Exhibit 48 is an
19 e-mail dated September 20th, 2011, and at the bottom
20 it -- it starts out with a e-mail from yourself to
21 Kevin, do you see that?

22 A Yes.

23 Q Okay. And it says, "I look forward to
24 reviewing orientation and training processes with
25 you both," do you see that?

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1 A Yes.

2 Q Then you say, "Do you currently have a
3 checklist which details company processes and
4 policies covered in orientation and training," do
5 you see that?

6 A Yes.

7 Q And Kevin's response is, "Heck, no, that's
8 why we need an HRM to take us to the next level," do
9 you see that?

10 A Yes.

11 Q At this point, did you understand that it
12 was a priority to Kevin Offel for you to standardize
13 hiring processes?

14 A Yes.

15 Q Let's go to Page 63. If we look at the
16 top of that page, Page 63, it's an e-mail to --
17 excuse me, from Kevin to yourself dated September
18 28, 2011, do you see that?

19 A 2008? I mean September 2008?

20 Q September 28, 2011.

21 A Yes.

22 Q Okay. And he's emphasizing to you that he
23 wants you to have a firm understanding of the entire
24 staffing situation, do you see that?

25 A Yes.

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1 A It was on November 7th, that morning when
2 I came back to work after this.

3 Q You say everything changed?

4 A With Kevin, communication.

5 Q Okay. You were -- you were sensing
6 hostility from Kevin by early November?

7 A After November, after this, so not prior
8 to.

9 Q Okay. But by November 7th, 2011, you were
10 sensing hostility from Kevin?

11 A Frustration, I don't know that you'd call
12 it hostile, but definitely frustration.

13 Q By November 7, 2011, what frustration,
14 other than what we've already talked about, had
15 Kevin expressed to you?

16 A I just felt like he wrote me off.

17 Q Why do you think that?

18 A I don't know if he took -- I don't know if
19 he took that as a challenge, I don't know, I
20 challenged him, I don't know.

21 Q Took what as a challenge?

22 A When I answered back, I mean, that was the
23 only communication, he's always talking about things
24 changing quickly, so I responded, things do change
25 quickly because, you know, I wasn't going to

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1 started, I received a phone call from our workers'
2 comp carrier of six outstanding claims, that's when
3 I had Ashley start helping me in workers' comp to,
4 one, obtain incident reports because there was
5 nothing, I couldn't find anything, so that was my
6 first concern, clearly not having a -- a -- any kind
7 of safety policy, in orientation we did no safety
8 training.

9 But on October 7th, there was a hygienist
10 that had received a needle stick, I was told that
11 the -- the patient had HIV, now, I'm not sure how
12 they knew that, that's just what I was told by the
13 manager. But the hygienist herself called me that
14 evening, it was after 5:00, again, so I had been
15 there a week, that may have been my first week, and
16 she was very distraught. I, again, looked for any
17 kind of policies on what to do to help her. I
18 really kind of went into my mode of where I came
19 from with the physicians and asked her to contact an
20 urgent care office, nobody was available, nobody --
21 everybody was gone at -- at our location, so she
22 proceeded to do so.

23 I was still at work when she called me
24 back, I think her name was Lauren, there's e-mails
25 related to it. And she called me back after she

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1 left the doctor's office, they -- the prescription
2 they were going to give her was going to cost like
3 \$700, so I was mortified, so I called Kevin to let
4 him know what was going on about the needle stick,
5 about the cost, and he said to the effect like are
6 you really bothering me about this shit. And I -- I
7 am so used to working so closely and directly with
8 my CEO before, I was just like, yes, I thought you
9 would really want to know this. To me this was
10 extremely important. And, anyway, so basically it
11 was like, okay, well, I'm putting you on notice, you
12 know, that this is what happened.

13 Monday, there's follow up from the manager
14 to me, that employee was going to be back on
15 Tuesday, you know, because I had followed up to see
16 how she was doing. And that Dr. Steffen had called
17 me into his office and told me he had heard about
18 all this and to -- you know, this stuff is going to
19 happen, it's always happened, do not waste my time
20 on it, and just kind of pushed it under the rug.

21 Diane Boykins --

22 Q Okay. Now, before we leave that -- that
23 event, in that recitation, what are you saying is a
24 illegal employment practice?

25 A To tell me not to care for that employee,

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1 to not, one, even do an incident report, to not,
2 two, even get her medical attention.

3 Q And what are you saying was your
4 opposition to an illegal employment practice?

5 A I am not sure that I really know what
6 that -- what you mean by that question. I'm
7 opposing that --

8 Q Well, you were saying that you were
9 terminated for your opposition to illegal employment
10 practices, so you told me about an event in October
11 of 2011, so I'm saying, okay, what was your
12 opposition to an alleged illegal employment
13 practice?

14 A Because each time I tried to do the right
15 thing, legally, what's required of me under OSHA
16 standards with just the general duty clause, I'm
17 told that's just a bunch of HR crap and I don't need
18 to do that.

19 Q Okay. Then you were going to move on
20 to --

21 A Diane Boykins --

22 Q -- Diane Boykins.

23 A Diane is African American, she came in and
24 honestly, this Lauren, I don't know, she was in Ada,
25 I believe, I don't know anything about, but Diane

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1 2, and I called the carrier to let them know I was
2 sending her for -- to the doctor's office.

3 Q And what would you say was your opposition
4 to an illegal employment practice?

5 A Him telling me not to do anything for her.

6 Q What actions did you take that you believe
7 were opposition to an illegal employment practice?

8 A That I followed through.

9 Q Okay. Now, if I'm understanding your
10 lawsuit, you're saying that you were terminated for
11 providing assistance to Diane Boykins; is that
12 correct?

13 A One of.

14 Q One of the reasons, okay. And why do you
15 believe that?

16 A Because it was going against what Kevin
17 told me to do.

18 Q Okay. Did anyone ever tell you that you
19 were terminated because you assisted Diane Boykins
20 with a workers' comp claim?

21 A No.

22 Q What other facts do you have to support
23 your belief that you were terminated for providing
24 assistance to Diane Boykins?

25 A Nothing.

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1 Q What's the next event that you believe was
2 a event of your opposition to illegal employment
3 practices?

4 A The overtime. Identifying their overtime
5 practices of not paying non-exempt employees.

6 Q What do you say was your actions of
7 opposition to an illegal employment practice?

8 A Well, I didn't get any further, other than
9 to identify the Fair Standard Labor Act -- Labor Act
10 to them and what's required and what they're not
11 doing, and I even stated that, you know, I'm trying
12 to protect you, so I mean, I was fired two days
13 later, so I don't --

14 Q Why do you say that you --

15 A I felt like it was a combination.

16 Q Why do you say that you were fired in
17 retaliation for opposition to an illegal failure to
18 pay wages?

19 A Because I felt like I continued to oppose
20 most all of their activities.

21 Q I'm -- I'm talking about the overtime
22 issue, do you believe that you were fired for
23 opposing some improper payment of overtime?

24 A I believed it was a high coincidence that
25 I was never talked to about any kind of performance

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1 of anything, and when I stated that -- there was
2 constant communication between Kevin, Steffen and
3 myself, until I stated that opposing that memo, that
4 I do not send that memo out because it's not legal
5 if we are not paying them, and then I'm fired two
6 days later, there's no communication at all after
7 that.

8 Q Did anyone tell you that you were fired
9 for raising an issue regarding payment of overtime
10 to dental hygienists?

11 A No, no.

12 Q What's the next event that you say was an
13 illegal employment practice for which you were --

14 A Nothing more --

15 Q -- terminated for opposing that illegal
16 employment practice?

17 A Nothing more than what we discussed with
18 the -- the -- like the meeting with Dr. Steffen that
19 apparently isn't in this petition when he referred
20 to, one, you know, how I -- how they would select
21 the blink test, not to hire the certain ethnicity at
22 the clinic, Dr. Steffen telling me there's too many
23 blacks in -- at Lewisville, to the point where he
24 picked up the phone and called someone to go help
25 assist Patricia so she would stop hiring black

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1 people. That's his quote.

2 Q Did you oppose these practices?

3 A Yes, I asked if I could go, can I go help
4 with the interviewing process. I truly believed
5 that I could set a precedence on correct way to
6 interview.

7 Q Tell me how you opposed those employment
8 practices.

9 A In that meeting?

10 Q Well, you're talking about the blink test,
11 references to hiring people on the basis of
12 ethnicity, too many blacks at Lewisville, and what
13 I'm trying to get at is you're saying you opposed
14 such practices?

15 A I mean, I -- I would just be reiterating
16 what I said at the time that someone said that to
17 me.

18 Q Okay. And that's what I'm trying to get
19 at is tell me how you opposed each of these
20 practices.

21 A Okay. For instance, with Marian on the
22 blink test, again, that she should be looking at the
23 skills, knowledge and abilities a person has, has
24 nothing to do with what a person looks like, again,
25 I'm just kind of laughed off and she says that's

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1 what Dr. Steffen expects her to do.

2 Kevin, when he talked about Ms. Tatum, of
3 course, I couldn't say much to him about that
4 because he just walked off. Other than I said, you
5 know, it's irrelevant because I said, I said, it's
6 irrelevant whether she's black and ask her to cut
7 her fingernails if he thought that was his only
8 issue was that her long fingernails. And that's
9 when I went to Jennifer, went to Dr. Steffen to
10 oppose Kevin, that comment about not hiring her.
11 And I got nowhere because that's when Dr. Steffen
12 said, you've already heard the answer, we do have
13 too many blacks, plus they're ugly.

14 He calls Deb Reid, what he says, Vicki, he
15 said, do you -- can you -- could you go there, I
16 said, I would love to go there, I even have family
17 in Kingston, Oklahoma, so I could stay there,
18 wouldn't even cost you any hotel fees, so I was
19 anxious to be able to go to help. And -- and he
20 calls Deb Reid, which was the trainer, and he
21 said -- he goes, I ought to -- I ought to go ahead
22 and just fire Pat's ass right now and ask Deb to
23 leave, but I don't know where she was, he -- because
24 he was on the phone, but she was traveling, if she
25 would go there and help Patricia, so I never did get

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1 to go.

2 Q What did you say in response to all of
3 that?

4 A Well, when he got off the phone, Jennifer
5 and I both, because I said, Dr. Steffen, I said, I
6 really truly believe that Lenora Tatum is qualified
7 for this job, and he said, we're past that. And
8 that I would really like to go and help with the
9 interviewing process, that, again, race wasn't an
10 issue, and he just looked at his desk and kind of
11 act like he didn't even hear me and shuffled through
12 papers like that. And that was it. You all can be
13 excused.

14 Q Now, we talked about the overtime issue,
15 but for all -- all of these other issues, did you
16 express to Kevin Offel or Pat Steffen or Marian
17 Columbus that you are breaking the law?

18 A Yeah, and Dr. Steffen always referred to
19 me as -- well, even Kevin did a couple times on work
20 comp, well, even in the hallway, he used his f'ing
21 words again to me, when I was trying to get some
22 labor posters, but, yes.

23 Q Tell me when you told My Dentist
24 management that they were breaking the law.

25 A Each time one of those things were

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1 mentioned, that it was illegal, because that's why
2 he would say you -- you're just one of those HR
3 people. And I said, for instance, even your labor
4 posters, Dr. Steffen, and Kevin was in the room, and
5 he said, Vicki, I don't care if Obama himself comes
6 in here, what's he going to do, slap me on the hand,
7 I am not spending money on those compliance posters.

8 Q Okay. So you told me about labor posters,
9 what's the next time that you told My Dentist
10 management you're breaking the law?

11 A To Marian.

12 Q What did you tell her?

13 A Again, about the blink test. That she
14 cannot be doing that, she needs to base her hiring
15 decisions on the person's skills, abilities and
16 their knowledge, you can't be doing that and you
17 can't be making all these little codes that you're
18 making on there, that's illegal.

19 Q What other times did you tell My Dentist
20 management that they were breaking the law?

21 A We've already got the overtime; right?

22 Q Correct.

23 A We've got the work comp, I think that's
24 it. I'm feeling maxed right now.

25 Q I'm sorry?